

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2010-118085-001 DT

06/08/2011

HONORABLE JOSEPH C. WELTY

CLERK OF THE COURT  
D. McGraw  
Deputy

STATE OF ARIZONA

THOMAS MCDERMOTT  
AARON HARDER

v.

MICHAEL JOHN JAKSCHT (001)

ROBYN GREENBERG VARCOE  
JENNIFER L WILLMOTT

VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY  
DAY 3

Prior to commencement of today's proceeding, Defendant's exhibits 412 through 419 are marked for identification.

State's Attorney:	Thomas McDermott and Aaron Harder
Defendant's Attorney:	Robyn Greenberg Varcoe and Jennifer L. Willmott
Defendant:	Present
Court Reporter:	Lydia Estrada-Gray

10:33 a.m. Trial to a jury continues from June 7, 2011. The jury is not present.

Discussion is held regarding the Defendant's objections to some slides that will be used by the State during opening statements.

IT IS ORDERED overruling the Defendant's objections.

Discussion is held regarding legal issues relating to the victims named in Counts 11 and 12.

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The Court declines to enter any pre-evidentiary rulings relating to Counts 11 and 12 at this time.

The Court is advised that the parties have reached agreements related to the presentation of evidence. The Court will leave it to the parties to put any agreements that they may have into written form.

Both sides announce ready.

10:45 a.m. The jury is present.

The Indictment is read to the jury by the Clerk and the plea of the Defendant is made known to them.

State's exhibits 420 through 427 marked for identification.

The Preliminary Instructions are read to the jury by the Court, wherein the Court invokes the Rule of Exclusion of the Witnesses.

FILED: Preliminary Jury Instructions

The State presents opening statements.

12:12 p.m. The jury is reminded of previous admonitions and is excused from the courtroom. Court remains in session.

Discussion is held regarding scheduling.

The Court admonishes the courtroom observers.

12:14 p.m. The court stands at recess.

1:32 p.m. Court reconvenes with the Defendant and respective counsel present. The jury is not present.

Court Reporter, Lydia Estrada-Gray, is present.

Both sides announce ready.

1:34 p.m. The jury is present.

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The Defense presents opening statements.

The State's case:

Jason Anania is sworn and testifies.

State's exhibits 420 and 421 are received in evidence.

2:50 p.m. The jury is reminded of previous admonitions and is excused from the courtroom. The court stands at recess.

3:10 p.m. Court reconvenes with the Defendant and respective counsel present. The jury is not present.

Court reporter, Lydia Estrada-Gray, is present.

A bench conference is conducted off the record between the Court and counsel.

Both sides announce ready.

3:13 p.m. The jury is present.

Jason Anania resumes the stand and testifies further.

Ernie Lizarraga is sworn and testifies.

State's exhibits 422 and 423 are received in evidence.

Julie Fantechi is sworn and testifies.

State's exhibits 425 and 426 are received in evidence.

State's exhibit 410 is received in evidence.

The Court receives questions from the jury; same are discussed between the Court and counsel and asked of the witness.

FILED: Juror Question forms (1 and 2)

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4:31 p.m. The jury is reminded of previous admonitions and is excused from the courtroom until 10:30 a.m. on June 9, 2011. Court remains in session.

Discussion is held regarding witness scheduling.

Discussion is held regarding the State's oral motion to preclude Defense witness Michael Broughton due to untimely disclosure.

For the reason set forth on the record, the Court will defer ruling on the State's oral motion to preclude until the content and timing of the expert disclosure has been determined.

4:39 p.m. The court stands at recess until **June 9, 2011, at 10:30 a.m.**

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.